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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO STEVEN PASTORE,

Defendant and Appellant.

B293019

(Los Angeles County
Super. Ct. No. SA098511)

THE COURT:

Defendant and appellant Antonio Steven Pastore (defendant) appeals from a judgment entered upon his plea of no contest. Defendant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On December 20, 2018, we notified defendant of his counsel's brief and gave him leave to file his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no letter or brief. We have reviewed the entire record, and finding no arguable issues that do not require a certificate of probable cause, we affirm the judgment.

Defendant had been charged with second degree robbery, in violation of Penal Code section 211. On August 7, 2018, as part of a plea agreement, that count was dismissed, and the complaint was amended to allege a violation of Penal Code section 245, subdivision (a)(4), assault by means of force likely to cause great bodily injury. Defendant agreed to enter a no contest plea to the new charge. Defendant initialed and signed a standard Felony Advisement of Rights, Waiver, and Plea form, which explained the potential consequences of the plea and the constitutional rights defendant would forfeit. When asked if he understood and waived the constitutional rights explained in the form, defendant agreed and counsel stipulated to a factual basis for the plea. The trial court advised defendant that the charge was a “wobbler” that could be later reduced to a misdemeanor if defendant stayed out of trouble.

After defendant entered the no contest plea the trial court dismissed the robbery count. Imposition of sentence was suspended and defendant was placed on three years of unsupervised probation upon specified terms and conditions, including the condition that defendant serve 270 days in jail, less his 36 days of combined custody credit. Finding that defendant did not have the present ability to pay, the court struck all court fees.

Defendant filed a timely notice of appeal from the judgment in which he challenged the factual basis for his plea, asked that his plea be vacated and that he be permitted to plead to misdemeanor theft. Defendant did not seek a certificate of probable cause and none was issued. (See Pen. Code, § 1237.5.)

We have examined the entire record and are satisfied that defendant’s appellate counsel has fully complied with her responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel’s compliance with the

Wende procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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ASHMANN-GERST, Acting P. J., CHAVEZ, J., HOFFSTADT, J.